

Dkt. No. 0073/65994

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Mark Russell ATTIEH

Serial No. : 09/937,976

Int'l Application  
No.: PCT/IB99/00546

Date Filed : September 28, 2001

Int'l Application  
Filing Date: March 30, 19991185 Avenue of the Americas  
New York, N.Y. 10036Assistant Commissioner for Patents  
BOX PCT  
Washington, D.C. 20231  
Attn: PCT Legal OfficeRECEIVED  
04 APR 2003  
Legal Staff  
International DivisionREQUEST FOR RECONSIDERATION ON THE MERITS

Sir:

In response to the Decision dated February 26, 2003, Applicant requests reconsideration on the merits.

The Decision indicates that Applicants representative should supply a docket record which lists responses due to the USPTO on January 14, 2002 for all cases handled by the representative's firm. In response, enclosed is docket record for responses due to the USPTO on January 14, 2002 for all cases handled by the representative's firm as well as a Declaration of Wendell Dunn who is in charge of the docketing department of our firm.

Applicant respectfully requests that the application be revived and the period be reset

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

*Richard F. Jaworski*  
Richard F. Jaworski  
Reg. No. 33,515

*April 4, 2003*  
Date

Mark Russell TIEH, S.N. 09/937,976  
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for responding to the Notification, without any petition or other fee being due by applicant, because applicant was not at fault, having not received the Notification or been aware of its issuance until July 25, 2002. In the event that the Patent and Trademark Office deems a Petition to be required to obtain the requested relief, applicant hereby petitions for such relief and authorizes the fee in connection therewith to be charged to Deposit Account No. 03-3125.

If the Patent and Trademark Office has any questions regarding this Request/Petition, kindly telephone the undersigned attorney.

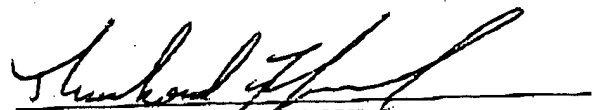
The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

A courtesy copy of this Request is being faxed to the PCT Legal Office (703) 308-6459 and the original is being mailed with Certificate of Mailing.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

Entry of this request is respectfully requested.

Respectfully submitted,



RICHARD F. JAWORSKI

Reg. No. 33,515

Attorney for Applicants

Cooper & Dunham LLP

Tel.: (212) 278-0400

09/19/654  
UNITED STATES PATENT AND TRADEMARK OFFICECOMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

14 MAR 2003

Richard F. Jaworski  
COOPER & DUNHAM LLP  
1185 Avenue of the Americas  
New York, New York 10036

20 2003

Dear Mr. Jaworski:

This is in response to your request received 14 January 2003 inquiring about the status of the "REQUEST FOR RESTARTING TIME PERIOD OF RESPONSE" filed 16 August 2002 in U.S. patent application number 09/937,976. The Request was received on 22 August 2002 and a decision in response to that communication was issued on 26 February 2003. A copy of the decision is attached herewith for your convenience.

Sincerely,

Handwritten signature of Nguyễn Ngọc Hồ in cursive script.

Nguyễn Ngọc-Hồ  
Paralegal Specialist  
PCT Legal Office

Tel: (703) 308-6508

Enclosure:

- Copy of decision of 26 February 2003



26 FEB 2003

0073/65994

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Richard F. Jaworski  
1185 Avenue of the Americas  
New York, NY 10036

MAR 20 2003

In re Application of ATTIEH  
U.S. Application No.: 09/937,976  
Int. Application No.: PCT/IB99/00546  
Int. Filing Date: 30 March 1999  
Attorney Docket No.: 0073/65994  
For: A METHOD OF CONDUCTING  
FINANCIAL TRANSACTIONS

DECISION

This is in response to applicant's "Request for Resetting Time Period for Response and Revival of Application in View of Non Receipt of Patent and Trademark Office Communication, or in the Alternative, Petition to Revive" filed 22 August 2002, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

### **BACKGROUND**

On 30 March 1999, applicant filed international application PCT/IB99/00546. A copy of the international application was communicated to the USPTO from the International Bureau on 05 October 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 30 October 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 September 2001.

On 28 September 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 14 November 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 22 August 2002, applicant filed the present petition under 37 CFR 1.181.

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REF

Application No.: 09/937,976

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### DISCUSSION

Pursuant to MPEP 711.03(c), the showing required to establish nonreceipt of an Office communication must include: (1) a statement by the practitioner that the Office communication was not received by the practitioner, (2) a statement by the practitioner that he searched the application file jacket and docket records and that the search indicates that the Office communication was not received, and (3) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

With regard to item (1) above, applicant's representative has provided the required statement.

With regard to item (2) above, applicant's representative has provided the required statement.

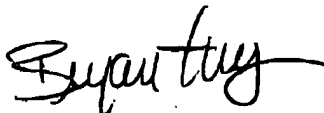
With regard to item (3) above, the submitted docket listing for the present application is insufficient. Applicants' representative should supply a docket record which lists responses due to the USPTO on 14 January 2002 for all cases handled by the representative's firm, or if such a docket record is unavailable, for all cases handled by applicants' representative. This docket record must illustrate the absence of any listing of a response due to a Notification of Missing Requirements.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

4/26/2003 SML  
If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 703-308-6614  
Facsimile: 703-308-6459

PCMaster v3.03.02 - Cooper & Dunham - [Patent]

65994	RICHARD F. JAWORSKI
United States	
REGULAR CASE TYPE	SPOOR & FISHER
ORIGINAL OR PATENT CASE	SPOOR & FISHER
NATIONAL CASE	

DATE	DESCRIPTION	DATE	DESCRIPTION	DATE	DESCRIPTION
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10mo FOREIGN FILING	28JL2002!				
11mo FOREIGN FILING	28AU2002!				
12mo FOREIGN FILING	28SE2002!				
STATUS INQUIRY DUE	16FE2003	09JA2003			
FILE REQUEST FOR	26AP2003				
PETITION TO REVIVE		16AU2002			

BEST AVAILABLE COPY

MASTER FILE REPORT  
(ACTDU.DT.PL (1) = "14JA2002")

PCMASTER REPORTER

01AP2003 17 57 PAGE:  
Attorney CCD

Action Due Attorney

App No

Docket No.

Action Description

14JA2002 CHRISTOPHER C. DUNHAM  
14JA2002 DONALD S. DOWDEN  
14JA2002 IVAN S. KAVRUKOV  
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14JA2002 NORMAN H. ZIVIN  
14JA2002 ROBERT D. KATZ  
14JA2002 ROBERT D. KATZ  
14JA2002 RICHARD S. HILNER

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4 MONTH RESPONSE DUE  
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EXTENSION TO RESP TO NTC OF MSG PTS  
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USPTO/PCT LEGAL

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\*\*\* RX REPORT \*\*\*  
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RECEPTION OK

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